I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 968418554 US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 8, 2004___

Signaturé: (Leah M. Kjellén)

Docket No.: 546322000304

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michael WAYNE GRAHAM et al.

Application No.: Not Yet Assigned

Art Unit: Not Yet Assigned

Filed: Concurrently Herewith

Examiner: Not Yet Assigned

For: CONTROL OF GENE EXPRESSION

REQUEST TO TRANSFER SEQUENCE LISTING FROM RELATED APPLICATION

MS Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants request that the Sequence Listing in both computer readable form (CRF) and paper copy from prior U.S. Application Serial No. 10/646,070 be transferred to the above captioned U.S. Continuation Application.

Applicants assert that as far as the undersigned is aware, the sequences of 10/646,070 are the same as those sequences in this continuation application. Application No. 10/646,070 is a continuation application of Application No. 09/646,807, which is a Section 371 filing of PCT/AU99/00195, is a continuation in part of 09/100,812 (now Letters Patent No. 6,573,099), which is a continuation in part of Application No. 09/100,813 (abandoned) so the transfer is therefore appropriate.

Furthermore, Applicants assert that the paper copy and the computer readable copy of the sequence listing in 10/646,070 are identical.

Application No.: Not Yet Assigned 2 Docket No.: 546322000304

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to <u>Deposit Account No. 03-1952</u> referencing docket no.

<u>546322000304</u>. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 8, 2004

Respectfully submitted,

By Otto Life
Otis Littlefield

Registration No.: 48,751

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

Telephone: (415) 268-6846 Facsimile: (415) 268-7522